

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GRAEBEL COMMERCIAL SERVICES,  
INC.,

Plaintiff,

v.

OYSTER POINT HOTELS, LLC, et al.,

Defendants.

Case No. [4:18-cv-03425-KAW](#)

ORDER TERMINATING MOTION TO  
DISMISS

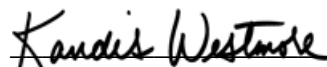
Re: Dkt. No. 13

On July 3, 2018, Defendants Arch Insurance Company, Johnstone Moyer, Inc., OTO Development, LLC, and Oyster Point Hotels, LLC filed a motion to dismiss Plaintiff Graebel Commercial Services, Inc.'s initial complaint. (Dkt. No. 13.) On July 18, 2018, Plaintiff filed an amended complaint. (Dkt. No. 20.)

Under Federal Rule of Civil Procedure 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). The amended complaint was filed fewer than 21 days after service of the 12(b) motion. Accordingly, the Court terminates the pending motion to dismiss, as the operative complaint is now the amended complaint.

IT IS SO ORDERED.

Dated: July 18, 2018



KANDIS A. WESTMORE  
United States Magistrate Judge